

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Roberto Roman and Tinisha Roman

Case No.:

13-28221

Judge:

Kathryn C. Ferguson

Chapter:

13

Debtor(s)

Chapter 13 Plan and Motions

Original

Modified/Notice Required

Discharge Sought

Motions Included

Modified/No Notice Required

No Discharge Sought

Date: October 14, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____ per _____ to the Chapter 13 Trustee, starting on _____ for approximately _____ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- Sale of real property

Description:

Proposed date for completion: _____

- Refinance of real property:

Description:

Proposed date for completion: _____

- Loan modification with respect to mortgage encumbering property:

Description: 126 Park Avenue Old Bridge, NJ 08857

Proposed date for completion: April 1, 2016

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

The Debtors shall pay \$13,970.00 through August 2014.

The Debtors shall pay \$1,548.00 per month for 48 months beginning 9/1/2014

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Ryan Gentile	Attorney Fee	\$1,325.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Mortgage	Residence - 126 Park Avenue Old Bridge, NJ 08857	\$91,197.54	0%	\$91,197.54	\$3,200.45 with the possibility of adjustments to the above amount in the future pursuant to the terms of the loan

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Chase	126 Park Avenue Old Bridge, NJ 08857	\$141,470.99	\$435,000	Wells Fargo Home Mortgage \$526,746.51	No Value	N/A	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Payments to Mfa Corp Account # 301435 securing a 2011 Ford Econoline E250 Van-V8 Cargo Van are current and unaffected by the Plan. Payments to Ally Financial Account # 020918307043 securing a 2010 Nissan Altima-V6 Coupe 2D are current and unaffected by the Plan.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- Not less than \$ _____ to be distributed *pro rata*
 Not less than _____ percent
 Pro Rata distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Chase	126 Park Avenue Old Bridge, NJ 08857	\$141,470.99

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon confirmation
 Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages 5) Priority Claims 6) General Unsecured Claims

d. Post-Petition Claims

The Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: September 2, 2014.

Explain below **why** the plan is being modified:

To address the Trustee's motion to dismiss filed on September 20, 2016 which brought up the issue of Wells Fargo's amended Proof of Claim 14-3 which includes projected escrow shortage.

Explain below **how** the plan is being modified:

The Plan now calls for a loan modification to deal with the issue of the pre-petition arrears and post petition "projected escrow shortage"

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: October 14, 2016

/s/ Ryan Gentile

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 14, 2016

/s/ Roberto Roman

Debtor

Date: October 14, 2016

/s/ Tinisha Roman

Joint Debtor

In re:
Roberto Roman
Tinisha Roman
Debtors

Case No. 13-28221-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 43

Date Rcvd: Oct 17, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2016.

db/jdb +Roberto Roman, Tinisha Roman, 126 Park Avenue, Old Bridge, NJ 08857-1226
cr +Midstate Federal Credit Union, 237 Roosevelt Avenue, Carteret, NJ 07008-3583
cr +WELLS FARGO BANK, N.A., 3476 Stateview Boulevard /MAC# X7801-014, Fort Mill, SC 29715-7200
cr +WELLS FARGO BANK, N.A., AS SERVICER FOR HSBC BANK, Phelan Hallinan & Schmieg, PC,
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
lm +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
514154331 +American Express, PO Box 3001, 16 General Warren Blvd, Malvern, PA 19355-1245
514370298 American Express Bank, FSB, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514364176 American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514154334 +Bank Of America, Attn: Bankruptcy NC4-105-0314, PO Box 26012, Greensboro, NC 27420-6012
514154336 #+Cap One, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3439
514326857 Capital One, N.A., PO Box 71083, Charlotte, NC 28272-1083
514154338 +Chase, PO Box 15298, Wilmington, DE 19850-5298
514154337 +Chase, PO Box 24696, Columbus, OH 43224-0696
514187931 +Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,
Mason, OH 45040-8053
514154339 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
514154340 +Edwards & Edwards, PO Box 372, Jersey City, NJ 07303-0372
514154341 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Corporation, Ford Motor Credit, PO Box 6275,
Dearborn, MI 48121)
514256382 +Ford Motor Credit Company, KEITH B. MORGAN, Esquire, Morgan, Bornstein & Morgan,
1236 Brace Road, Suite K, Cherry Hill, NJ 08034-3229
516150514 +HSBC BANK USA, N.A. AS TRUSTEE FOR WELLS et.al., Wells Fargo Bank, N.A.,
Attention: Bankruptcy Department, MAC# D3347-014, 3476 STATEVIEW BOULEVARD,
FT. MILL SC 29715-7203
514423748 +HSBC Bank USA, National Association as Trustee for, c/o Zucker Goldberg & Ackerman,
200 Sheffield Street, Suite 301, Mountainside, NJ 07092-2315
515430113 +HSBC Bank USA, National Association as Trustee for, Wells Fargo Bank, N.A., as servicer,
ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd., Fort Mill, SC 29715-7203
514434470 +JPMORGAN CHASE BANK, N.A., Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane,
Monroe, LA 71203-4774
514154343 +Law Offices of Harold E. Scherr, P.A., 1064 Greenwood Blvd., Suite 328,
Lake Mary, Florida 32746-5419
514154344 Mfa Corp, 90-100 Route 1 Nor, Avenel, NJ 07001
514154345 +Mid State Fcu, 237 Roosevelt Ave # 32, Carteret, NJ 07008-3533
514154349 +PANTERIS & PANTERIS LLP, 333 SYLVAN AVE, Suite 201, ENGLEWOOD CLIFFS, NJ 07632-2732
514154351 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, Toyota Financial Services, PO Box 8026,
Cedar Rapids, IA 52408)
514154352 +Vzw Ne, Attention: Verizon Wireless Department, PO Box 3397, Bloomington, IL 61702-3397
514154353 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
(address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Cir,
Frederick, MD 21701)
514154354 #Zucker, Goldberg & Ackerman, LLC, 200 Sheffield Street, Suite 301, P.O. Box 1024,
Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 17 2016 23:57:11 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Oct 17 2016 23:57:04 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
514154333 E-mail/Text: legal@arsnational.com Oct 17 2016 23:56:53 ARS National Services, Inc.,
PO Box 469048, Escondido, CA 92046-9048
514154330 +E-mail/Text: ally@ebn.phinsolutions.com Oct 17 2016 23:56:20 Ally Financial,
P O Box 380901, Bloomington, MN 55438-0901
514228790 +E-mail/Text: ally@ebn.phinsolutions.com Oct 17 2016 23:56:20 Ally Financial Inc.,
P O Box 130424, Roseville, MN 55113-0004
514276607 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 18 2016 00:01:28
American InfoSource LP as agent for, Verizon, PO Box 248838,
Oklahoma City, OK 73124-8838
514154332 +E-mail/Text: andy@sklarlaw.com Oct 17 2016 23:58:03 Andrew Sklar, Esq., Sklar-Markind,
102 Browning Lane, Building B, Suite 1, Cherry Hill, NJ 08003-3195
514154335 +E-mail/Text: ebn@squaretwofinancial.com Oct 17 2016 23:57:28 Cach Llc/Square Two Financial,
Attention: Bankruptcy, 4340 South Monaco St. 2nd Floor, Denver, CO 80237-3485
514154342 +E-mail/Text: fggbanko@fgny.com Oct 17 2016 23:56:25 Forster, Garbus & Garbus,
7 Banta Place, Hackensack, NJ 07601-5604
514154346 E-mail/Text: kmorgan@morganlaw.com Oct 17 2016 23:57:53 Morgan, Bornstein & Morgan,
1236 Brace Road, Suite K, Cherry Hill, NJ 08034-3269
514154348 +E-mail/Text: egssupportservices@egscorp.com Oct 17 2016 23:57:19 NCO FINANCIAL SYSTEMS INC.,
507 Prudential Road, Horsham, PA 19044-2368

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 43

Date Rcvd: Oct 17, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

514154347 +E-mail/Text: bankruptcydepartment@tsico.com Oct 17 2016 23:57:51 NCO Financial Systems,
PO Box 15773, Wilmington, DE 19850-5773
514414786 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfolioconversion.com Oct 17 2016 23:55:48
Portfolio Recovery Associates, LLC, c/o Chase Bank USA, N.a., POB 41067,
Norfolk VA 23541

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr HSBC Bank USA, National Association as Trustee for
514372893* American Express Bank, FSB, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514402076* American Express Centurion Bank, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514154350 ##+Ryan Gentile, 147 West 35th Street, Suite 1008, New York, NY 10001-2114
TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable.
Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed.
The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on October 14, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Allyson M Kiesel on behalf of Creditor JPMORGAN CHASE BANK, N.A. nj.bkecf@fedphe.com
Andrew L. Spivack on behalf of Creditor HSBC Bank USA, National Association as Trustee for
Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates Series 2006-12
nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor WELLS FARGO BANK, N.A.
bankruptcynotice@zuckergoldberg.com, bkgroup@kmllawgroup.com
Denise E. Carlon on behalf of Creditor HSBC Bank USA, National Association as Trustee for
Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates Series 2006-12
bankruptcynotice@zuckergoldberg.com, bkgroup@kmllawgroup.com
Drew Edwards on behalf of Creditor Midstate Federal Credit Union drew@edwardslegal.com
John Philip Schneider on behalf of Creditor WELLS FARGO BANK, N.A., AS SERVICER FOR HSBC BANK
USA, NATIONAL ASSOCIATION AS TRUSTEE et.al. nj.bkecf@fedphe.com
R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, N.A. bankruptcy@feinsuch.com
Ryan L. Gentile on behalf of Joint Debtor Tinisha Roman rlg@lawgmf.com,
rlgentile82@gmail.com;gmf@lawgmf.com;sue@lawgmf.com
Ryan L. Gentile on behalf of Debtor Roberto Roman rlg@lawgmf.com,
rlgentile82@gmail.com;gmf@lawgmf.com;sue@lawgmf.com

TOTAL: 12